

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

November 14-18, 2005

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
11-14	OPP	91125855	Biogen, Inc. and Biogen Idec Ma, Inc. v. Atlana Pharma AG	Walters Drost Zervas*	2(d)	Opposition Sustained	"AMEVIE" [pharmaceutical preparations for use in the treatment of dermatological disorders; pharmaceutical preparations for use in the treatment of autoimmune disorders; pharmaceutical preparations for use in the treatment of inflammatory disorders; and pharmaceutical preparations for use in the treatment of psoriasis]	"AMAVIO" [pharmaceutical preparations for the treatment of gastrointestinal and respiratory diseases]			No
11-15	EX EX	78217228 78975345	The Topline Corporation	Seeherman Hohein Walters*	2(d); Section 6 disclaimer requirement (of word SEATTLE)	Refusal Affirmed in both cases on both grounds		"REPORT SEATTLE" <i>for</i> [footwear] <i>and</i> [apparel, namely, shirts, pants, jeans, sweaters, skirts, dresses, suits, lingerie, shorts, coats, jackets, and swimwear; fashion accessories, namely, hosiery, belts, hats, gloves, and scarves]	"REPORT COLLECTION" [clothing and accessories, namely, shirts, polos, t-shirts, sweatshirts, sweaters, cardigans, wind resistant jackets, coats, underwear, belts, socks]	Wahlberg	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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11-15	EX	78118147	Ab Initio Software Corporation	Seeherman Quinn Walsh*	2(d)	Refusal Reversed		“ENTERPRISE METADATA ENVIRONMENT” [computer programs for the management and maintenance of a data processing repository for large volumes of execution results; computer programs for communication and processing data among multiple computer systems and operating systems; data processing computer programs for processing large volumes of data]	<i>2 cited marks, both owned by the same entity and both for the mark “METADATA” for [computer programs] and [manuals for use with a computerized data manipulative program to create, modify, display, and print record management files]</i>	Turner	No
11-16	EX	76543428	Arlington Industries, Inc.	Seeherman Grendel* Zervas	2(e)(1)	Refusal Affirmed		“THE HOOP” [non-metal cable holders for use in electrical or optical wiring of buildings]		Suarez	No
11-17	EX	78080505	The House Defender, Inc.	Chapman* Bucher Walsh	2(d)	Refusal Affirmed as to all five classes		“ARTISTIC” [in Class 6: wrought iron doors and windows, and other goods; in Class 19: wood doors, vinyl windows, and other goods; in Class 20: mirrors, wrought iron patio furniture; in Class 35: retail store services featuring windows constructed by others, and other services; in Class 37: installation of doors, windows, etc.]	<i>3 cited registrations, all owned by different entities: “ARTISTIC DOORS AND WINDOWS” [non-metal doors and windows]; “ARTISTIC ENCLOSURES” [pre-manufactured room enclosures composed primarily of non-metallic materials comprising window base, door opening, corner and extension units; “ARTISTICA” [furniture]</i>	Martin	No

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11-17	EX	76513336	Robert F. Held	Hohein Zervas* Kuhlke	2(d)	Refusal Affirmed		"SPRING BERRIES" [an air freshener that applies directly onto an air vent register]	"SPRING MULBERRIES" [scented air fresheners]	Mizelle-Howard	No
11-18	CANC	92041171	Chester L. Krause v. Krause Publications, Inc.	Seeherman Hairston* Zervas	2(c)	Petition to Cancel Granted as to Classes 16, 35 and 42; Petition to Cancel Denied as to Class 41		"KRAUSE PUBLICATIONS" [<i>in Class 16</i> : magazines featuring a variety of subject matters; trading cards on knives, series of books and price guides relating to antiques and other collectibles, coins and firearms; calendars; <i>in Class 35</i> : dissemination of advertising of others relating to hobby and collectible items via a global computer network; arranging and conducting trade shows featuring knives, daggers, swords, and cutlery <i>or</i> coins <i>or</i> sports cards, antiques and other collectibles; <i>in Class 41</i> : entertainment services in the nature of competitions and awards in the field of cutlery; <i>in Class 42</i> : conducting awards programs to recognize excellence in designs and themes of newly minted coins]			Yes

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11-18	EX EX EX EX	76250116 76250194 76250611 76250613	CNS, Inc.	Quinn Hairston Kuhlke*	2(e)(1); whether the matter applicant seeks to register functions as trademarks for its goods; whether the asserted marks are registrable under Section 2(f); whether, as to the '611 application, applicant failed to submit a specimen that shows use of its mark on its recited goods	Refusal Affirmed in all four cases on all grounds asserted		each of the four marks consists of a pictorial representation of a geometrical figure that corresponds to the general shape of the product to which it is applied ['116 application: medical device in the nature of a drug-free nasal strip for use as an external nasal dilator; '194 application: transdermal nasal strip for use in the delivery of pharmaceuticals to relieve nasal congestion; '611 application: transdermal nasal strip for use in the delivery of pharmaceuticals to relieve nasal congestion; '613 application: external nasal dilator]		Kim	No
11-18	EX	76219409	Alcon Manufacturing, Ltd.	Quinn Holtzman* Kuhlke	genericness	Refusal Reversed [Mark will be registered under Section 2(f).]		"BSS" [intraocular irrigating solutions]		Hickey	No

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11-18	EX	78321221	Vetements Weill	Seeherman Quinn* Drost	2(d)	Refusal Reversed		"WEILL PARIS" (and design) [clothing, namely, tops, shirts, pants, sweaters, jackets, coats, ties, dresses, suits, shorts, lingerie, sleepwear, swimwear; footwear; headwear; leather pelisses and gloves]	<i>4 cited registrations, all owned by the same entity:</i> "PARFUMS WEIL PARIS" (in stylized form) [perfumes, bath salts, toilet water]; "RAYMOND WEIL" [watches and clocks of various types; costume jewelry; jewelry made wholly or partially of precious metals and jewelry watches; <i>and other goods</i>]; "RW RAYMOND WEIL GENEVE" [watches]; "TANGO BY RAYMOND WEIL" [watches]	Gilbert	No

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